

REMARKS

Upon entry of the present amendment, claims 1-6 will have been amended and claims 8-10 will have been submitted for consideration by the Examiner. In particular, claims 4-6 will have been rewritten into independent form including the limitations of the base claim and any intervening claims as newly submitted claims 8-10.

In view of the herein contained remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection together with an indication of the allowability of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant wishes to thank the Examiner for confirming Applicant's Claim of Foreign Priority and receipt of the certified copies of the priority documents. Applicant further thanks the Examiner for consideration of the documents cited in the Information Disclosure Statements filed in the present application on January 16, 2002, March 18, 2002 and March 10, 2003. Applicant also respectfully thanks the Examiner for accepting the drawings that were filed together with the present application on October 16, 2001.

In the outstanding Official Action, the Examiner objected to the title of the application as not being descriptive. The Examiner required submission of a new title that is indicative of the invention to which the claims are directed.

By the present Response, Applicant has amended the title of the present application to be more clearly indicative of the invention to which the claims are directed. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to the title of the application.

Applicant has also changed all usages of "hereophoria" to ---heterophoria--- to be more in accordance with standard medical usage. This change does not introduce prohibited new matter into the application.

In the outstanding Official Action, the Examiner rejected claims 1-3 and 7 under 35 U.S.C. § 102(b) as being clearly anticipated by HOF et al. (U.S. Patent No. 6,089,713). The Examiner asserted that HOF et al. discloses spectacle lenses with at least one rotationally asymmetrical aspherical surface that has a rotationally asymmetrical component to correct the aberration caused by adding prismatic power. Applicant respectfully traverses the above rejection and submits that it is inappropriate and that the disclosure of the HOF et al. reference is inadequate and insufficient to anticipate or render unpatentable any of the claims in the present application.

In the outstanding Official Action, the Examiner objected to claims 4-6 as being dependent upon a rejected base claim. However, the Examiner indicated that these claims would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims.

By the present Response, and without in any way acquiescing in the propriety of the Examiner's rejection of claim 1, Applicant has rewritten claims 4-6 into independent form as claims 8-10. Accordingly, these claims should now be allowable at least in accordance with the Examiner's indication.

As noted above, Applicant respectfully traverses the Examiner's rejection of claims 1-3 and 7 as anticipated by HOF et al. Applicant submits that HOF et al. does not disclose the features recited in Applicant's claims and thus respectfully traverses the Examiner's rejection.

Applicant's invention is directed to a spectacle lens and in particular, to a spectacle lens that has prismatic power added thereto to correct heterophoria (or phoria) of an eye. Heterophoria relates to a tendency of the eye to deviate from its normal position for visual alignment and is based on the failure of the visual axes to remain parallel after visual fusional stimuli have been eliminated. Generally speaking, heterophoria is corrected by utilizing spectacle lenses that have an added prismatic power. However, by adding such prismatic power to a spectacle lens, aberrations are created.

Thus, it is a feature of the present invention to eliminate the aberrations resulting from the provision of prismatic power to a spectacle lens for correcting phoria of the eye. It is respectfully submitted that the HOF et al. reference relied upon by the Examiner does not relate to the correction of the aberration caused when prismatic power is added to a spectacle

lens. Accordingly, for this reason alone, it is respectfully submitted that HOF et al. provides a disclosure that is inadequate and insufficient to render unpatentable any of the claims in the present application.

Initially, Applicant notes that HOF et al. is directed to a spectacle lens with spherical front side and multifocal back side and a process for production of such a spectacle lens. While HOF et al. does mention prismatic power, HOF et al. does not deal with the addition of prismatic power to a spectacle lens so as to correct phoria and the elimination of aberrations resulting from the addition of such prismatic power.

In particular, HOF et al. is not at all concerned with the elimination of aberrations caused when prismatic power is added to a spectacle lens. Nowhere in the disclosure of HOF et al. is the elimination of aberrations resulting from prismatic power disclosed or even discussed. HOF et al. is not concerned with correction of aberrations but with production of the lens. In particular, HOF et al. relates to providing a spectacle lens that can be quickly produced in accordance with the individual requirements of the wearer from a very easily produced lens blank. For this reason alone, it is respectfully submitted that the disclosure of HOF et al. is inadequate and insufficient to render unpatentable any of the claims in the present application, whether considered under 35 U.S.C. § 102 or whether considered under 35 U.S.C. § 103.

In addition, and independently of the above, Applicant's claim 1 has been amended to refer to a single vision spherical lens. In this regard, Applicant notes that HOF et al. is directed to spectacle lenses with plural refraction values. In particular, HOF et al. is directed to multifocal spectacle lenses having either discrete steps (bifocal or trifocal surfaces) or a smooth transition surface such as in a multifocal spectacle lens. For this additional reason, it is respectfully submitted that the claims in the present application are clearly patentable over the HOF et al. reference cited by the Examiner.

Accordingly, for each of the above reasons, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection and indicate the allowability of all of claims 1-10 in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has amended the specification by submitting a new title in accordance with the Examiner's requirement. Applicant has further amended various of the claims and has submitted several additional claims for consideration. In particular, Applicant has rewritten the objected to claims into independent form and has traversed the rejection asserted by the Examiner.

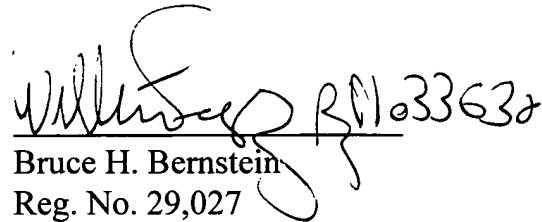
Applicant has discussed the disclosure of the reference relied upon by the Examiner and has pointed out the significant and substantial shortcomings thereof with respect to the features recited in the claim. Applicant has discussed the recitations of Applicant's claims and has pointed out the features thereof not taught, disclosed nor rendered obvious by the reference cited by the Examiner. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully requests an indication to such effect in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

P21221.A05

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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